



MEMORANDUM

TO: Ocean Protection Council

FROM: Valerie Termini, Project Manager

DATE: June 24, 2010

RE: Marine Life Management Act Lessons Learned Final Report

ATTACHMENTS: [*Lessons Learned from California's Marine Life Management Act*](#)

The Ocean Protection Council (OPC) has released the final report, *Lessons Learned from California's Marine Life Management Act*. The report was funded by the OPC at its September 11, 2008 meeting and undertaken at the request of both the California Fish and Game Commission (Commission) and the California Department of Fish and Game (DFG). The report evaluates the progress to-date on implementing the MLMA and identifies opportunities to better manage California's ocean ecosystems. Though the report involves both retrospective and prospective components, the primary intent for the study was to generate recommendations as part of the prospective aspect to benefit and direct successful future actions. This was a joint project of OPC, DFG and the Commission, with staff from each agency assisting in the development of the report. The final report as well as other important project documents can be accessed from the MLMA Lessons Learned web page on the OPC website: <http://www.opc.ca.gov/2009/04/mlma-lessons-learned-project/>.¹

This memo gives a brief background and overview of the final report that identifies numerous opportunities for the OPC to support innovative fisheries management and the protection of California's ocean ecosystems. Staff have begun to work with the Commission and DFG to evaluate the recommendations to how best to move forward with their implementation. After that process is complete staff anticipate returning to the OPC with subsequent staff recommendations for the council's consideration.

PROJECT BACKGROUND

The OPC has, since its inception, expressed support for the development of the MLMA. The OPC Strategic Plan identifies the MLMA process as one of the goals of the OPC (see discussion below). OPC has funded, through Sea Grant, grants providing MLMA needed data collection in the 2006 and 2007 grant rounds. Further the OPC approved projects which support the MLMA process in the Department of Fish and Game Joint Workplan adopted by the Council on November 29, 2006. In addition, other projects approved by the OPC, such as the Ocean Observing Program, continue to provide data useful to the MLMA process.

¹ The report can be accessed directly at http://opc.ca.gov/webmaster/ftp/project_pages/mlmall/FINAL%20MLMA%20LL%205-26-10.pdf.

Marine Life Management Act Background

The Marine Life Management Act (MLMA) opened a new era in the management and conservation of California's marine living resources by redefining the goals of fisheries management in the state.² The goal of the MLMA is to “conserve the health and diversity of marine ecosystems and marine living resources,” and to “allow and encourage only those activities and uses of marine living resources that are sustainable” (Fish & Game Code § 7050). The MLMA mandated ecosystem-based management of ocean fisheries, for both fish and shellfish taken by commercial and recreational fishermen, and established a process for such management.

Fisheries Management Plans (FMPs)

The primary tool for managing California's recreational and commercial marine fisheries is a Fishery Management Plan (FMP). The MLMA requires that FMPs be developed by DFG and implemented through regulations adopted by the Commission. A FMP is a planning document based on the best available scientific knowledge, community-based resources, and other relevant information. The MLMA called for FMPs to contain a comprehensive environmental and economic analysis of the fishery along with clear objectives and measures to ensure sustainability of that fishery. Public involvement is integral to the entire FMP process-- from preparation and adoption to implementation of the plan.

MLMA LESSONS LEARNED REPORT

The MLMA report consists of three essential components: (1) a description of the statute and program within DFG, (2) an evaluation of how the program is currently funded and implemented, and (3) recommendations for improvement. The first part provides a comprehensive description of California's experience with the Marine Life Management Act implementation over the past 10 years. The second part provides “lessons learned” from implementation of the MLMA based on evaluation criteria identified in the Request for Proposals (RFP), as well as other criteria developed by the contractor. The third part provides recommendations for improving future implementation of the MLMA based on (1) a comparison of California's experience with the MLMA with other experiences in resources management in California and world-wide, and (2) a systematic assessment of ways to improve the major components of successful policies. Recommendations were intended to cover a broad spectrum including legislation, policies, regulations, management capacities and resources, use of science in policy making and management, and improvements in adaptive management.

Project Details

OPC approved \$237,738 for development of the report at its September 2008 meeting in Half Moon Bay. These funds were appropriated to the Secretary of Natural Resources in the FY 04/05 budget for projects authorized pursuant to the Ocean Protection Act.

Study Components

The study relied on information gathered from a variety of sources, including:

- Confidential interviews with individuals involved in the MLMA (e.g., agency decision makers and staff, scientists, and stakeholders)
- Review of documents made accessible by DFG and the Commission and those available on the MLMA web site (including FMPs and supporting documents, public comments, past Commission meetings, and other key documents such as the Master Plan for FMPs)
- An analysis of those fisheries not covered under FMPs but supposed to be managed with the MLMA's objectives in mind

² For more information on the MLMA, see the Online Guide to California's MLMA at <http://www.fgc.ca.gov/mlma/home.html>.

- Review of documents recommended or provided by stakeholders, such as peer reviews and critiques
- The experience and professional judgment of the authors
- Solicitation of written public input.

The interviews were essential to analyzing the effectiveness of the MLMA process. Personal perspectives were conducted either individually or in group format. The draft report was made available to the public for comment from December 15, 2009 to January 31, 2010.

OPC-SAT Review

Members of the OPC Science Advisory Team (SAT) were contacted to provide input on the report during the public comment period. The review by OPC-SAT members was intended to provide useful scientific perspective on the report. OPC-SAT reviewer comments were incorporated into the final report, as appropriate.

OVERVIEW OF RECOMMENDATIONS

The report notes that while important elements of the MLMA have been successfully implemented "a broad claim of achieving sustainability for the state's fisheries is not supported by available information. Perhaps more importantly, there is only limited and unsystematic evidence of progress toward adaptive decision making and ecosystem-based management of living marine resources as envisioned by the MLMA." (Report, p. vii).

The study offers a range of recommendations to improve future MLMA implementation. Figure A (page xiii-xv) of the report provides a summary of the recommendations. The report provides six major recommendations:

- 1) Develop a basic, practical management plan for living marine resources, considering the MLMA as one tool among those available.
- 2) Adapt current institutions and policies for greater success within available resources.
- 3) Ensure adequate institutional and policy authority and capacity to successfully achieve the goal of sustainable use of living marine resources.
- 4) Improve management of living marine resources by incremental steps feasible with limited resources.
- 5) Systematically increase scientific knowledge available to inform management of living marine resources.
- 6) Systematically increase the understanding of available institutions, policies and tools to inform management of living marine resources.

Each of these recommendations is developed and discussed at length in the body of the report and summarized at the end of the report (pp. 49-64). Most of the recommendations suggest various alternative methods for implementing these recommendations. Institutional responsibility and capacity are also assessed in the report.

FUTURE OPC INVOLVEMENT

Several of the recommendations specifically suggest a lead or supporting role for the OPC as part of their execution. As mentioned above, staff will work with the Commission and DFG to evaluate the feasibility of implementing these recommendations given current staffing and budgetary constraints. Implementation of these recommendations will be brought before the OPC for further consideration and authorization.